

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

GREGORY G. DROBOT, an individual,

Plaintiff,

v.

**GROWTH COMMERCIAL CAPITAL,
INC., an Oregon corporation, and BEN
LOONEY, an individual,**

Defendants.

Case No. 3:22-cv-01481-SB

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION**

Bruce H. Cahn and Kristen Price, Lane Powell PC, 601 SW Second Ave, Suite 2100, Portland, OR 97204. Attorneys for Plaintiff.

Daniel DiCicco, 9040 SE Augustine Ct, Happy Valley, OR 97086. Attorney for Defendants.

IMMERGUT, District Judge.

On April 4, 2023, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”). ECF 16. The F&R recommends that this Court deny Defendants’ Motion to Dismiss, ECF 4, for lack of subject matter jurisdiction and failure to join a required party. No party filed objections. For the following reasons, this Court ADOPTS Judge Beckerman’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R and accepts Judge Beckerman’s conclusions. The F&R, ECF 16, is adopted in full. Defendants’ Motion to Dismiss, ECF 4, is DENIED.

IT IS SO ORDERED.

DATED this 5th day of May, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge